

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1703 be amended to read as follows:

- 1           Page 2, delete lines 12 through 21, begin a new paragraph and  
2       insert:  
3           **"(h) A school employee who reasonably believes that a student**  
4       **is or has been in possession of a firearm on school property or a**  
5       **school bus shall immediately notify the school superintendent or**  
6       **the superintendent's designee. The notification required under this**  
7       **subsection must be in writing.**  
8           **(i) A superintendent or superintendent's designee who receives**  
9       **a written notification under subsection (h) shall immediately notify**  
10      **a law enforcement agency in the county in which the school is**  
11      **located. The law enforcement agency shall:**  
12           **(1) begin an investigation and cause any appropriate action**  
13           **to be taken under IC 31-37-5-3.4 or IC 31-37-5-3.7; and**  
14           **(2) report the matter to the prosecuting attorney of the**  
15           **county in which the school is located for further**  
16           **investigation, if appropriate."**  
17      Page 2, line 24, delete "subsection (c)" and insert "**section 3.4 or**  
18      **3.7 of this chapter**".  
19      Page 3, delete lines 1 through 10, begin a new paragraph and  
20      insert:  
21      "SECTION 3. IC 31-37-5-3.4 IS ADDED TO THE INDIANA  
22      CODE AS A NEW SECTION TO READ AS FOLLOWS  
23      [EFFECTIVE JULY 1, 1999]: **Sec. 3.4. (a) This section applies to a**  
24      **child who is:**

1 (1) less than ten (10) years of age; and

2 (2) taken into custody:

3 (A) by a law enforcement officer;

4 (B) without an order of the court; and

5 (C) for possession of a firearm on school property or a  
6 school bus, an act that would be a Class D felony under  
7 IC 35-47-9-2 if committed by an adult.

8 (b) A law enforcement officer may release a child described in  
9 subsection (a) to the child's parent, guardian, or custodian upon  
10 the person's written promise to bring the child before the juvenile  
11 court at a time specified. However, the law enforcement officer  
12 may place the child in detention if the law enforcement officer  
13 reasonably believes that one or more of the conditions of section  
14 3(a)(1) through 3(a)(5) of this chapter exist.

15 (c) If a child is detained under subsection (b), the child shall be  
16 detained under IC 31-37-7-1.

17 (d) The court shall order a child described in subsection (a) to  
18 undergo a psychological evaluation by a licensed physician or  
19 clinical psychologist to determine if the child is a clear and present  
20 danger to the child or others.

21 (e) The physician or psychologist conducting an evaluation  
22 required under subsection (d) shall provide a report of the  
23 evaluation to the court before:

24 (1) the detention hearing held under IC 31-37-6, if the child  
25 is detained under subsection (b); or

26 (2) the child appears in juvenile court at the time specified  
27 upon the child's release, if the child is released under  
28 subsection (b).

29 SECTION 4. IC 31-37-5-3.7 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 1999]: Sec. 3.7. (a) This section applies to a  
32 child who is:

33 (1) at least ten (10) years of age; and

34 (2) taken into custody:

35 (A) by a law enforcement officer;

36 (B) without an order of the court; and

37 (C) for possession of a firearm on school property or a  
38 school bus, an act that would be a Class D felony under  
39 IC 35-47-9-2 if committed by an adult.

40 (b) A law enforcement officer shall place in detention a child  
41 described in subsection (a).

42 (c) A child detained under subsection (b) shall be held in  
43 detention until a detention hearing is held under IC 31-37-6.

44 (d) The court shall order a child described in subsection (a) to  
45 undergo a psychological evaluation by a licensed physician or  
46 clinical psychologist to determine if the child is a clear and present

1 danger to the child or others.

2 (e) The physician or psychologist conducting an evaluation  
3 required under subsection (d) shall provide a report of the  
4 evaluation to the court before the detention hearing."

5 Page 3, line 13, delete "subsection (c)" and insert "section 5.4 or  
6 5.7 of this chapter".

7 Page 3, delete lines 33 through 42, begin a new paragraph and  
8 insert:

9 "SECTION 6. IC 31-37-5-5.4 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 1999]: **Sec. 5.4. (a) This section applies to a  
12 child who is:**

13 (1) less than ten (10) years of age; and

14 (2) taken into custody:

15 (A) by an intake officer;

16 (B) without an order of the court; and

17 (C) for possession of a firearm on school property or a  
18 school bus, an act that would be a Class D felony under  
19 IC 35-47-9-2 if committed by an adult.

20 (b) An intake officer may release a child described in  
21 subsection (a) to the child's parent, guardian, or custodian upon  
22 the person's written promise to bring the child before the juvenile  
23 court at a time specified. However, the intake officer may place the  
24 child in detention if the intake officer reasonably believes that:

25 (1) the child is a delinquent child; and

26 (2) one or more of the conditions of section 5(a)(1) through  
27 5(a)(5) of this chapter exist.

28 (c) If a child is detained under subsection (b), the child shall be  
29 detained under IC 31-37-7-1.

30 (d) The court shall order a child described in subsection (a) to  
31 undergo a psychological evaluation by a licensed physician or  
32 clinical psychologist to determine if the child is a clear and present  
33 danger to the child or others.

34 (e) The physician or psychologist conducting an evaluation  
35 required under subsection (d) shall provide a report of the  
36 evaluation to the court before:

37 (1) the detention hearing held under IC 31-37-6, if the child  
38 is detained under subsection (b); or

39 (2) the child appears in juvenile court at the time specified  
40 upon the child's release, if the child is released under  
41 subsection (b).

42 SECTION 7. IC 31-37-5-5.7 IS ADDED TO THE INDIANA  
43 CODE AS A NEW SECTION TO READ AS FOLLOWS  
44 [EFFECTIVE JULY 1, 1999]: **Sec. 5.7. (a) This section applies to a  
45 child who is:**

46 (1) at least ten (10) years of age; and

(2) taken into custody:

(A) by an intake officer;

(B) without an order of the court; and

(C) for possession of a firearm on school property or a school bus, an act that would be a Class D felony under IC 35-47-9-2 if committed by an adult.

(b) An intake officer shall place in detention a child described in subsection (a).

(c) A child detained under subsection (b) shall be held in detention until a detention hearing is held under IC 31-37-6.

(d) The court shall order a child described in subsection (a) to undergo a psychological evaluation by a licensed physician or clinical psychologist to determine if the child is a clear and present danger to the child or others.

(e) The physician or psychologist conducting an evaluation required under subsection (d) shall provide a report of the evaluation to the court before the detention hearing.

SECTION 8. IC 31-37-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The juvenile court shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the court at a time specified. However, the court may order the child detained if the court finds probable cause to believe the child is a delinquent child and that:

(1) the child is unlikely to appear for subsequent proceedings;

(2) detention is essential to protect the child or the community;

(3) the parent, guardian, or custodian:

(A) cannot be located; or

(B) is unable or unwilling to take custody of the child; ~~or~~

(4) the child has a reasonable basis for requesting that the child not be released; ~~or~~

**(5) the psychological evaluation required under IC 31-37-5-3.4, IC 31-37-5-3.7, IC 31-37-5-5.4, or IC 31-37-5-5.7 has not been completed.**

(b) If a child is detained for a reason specified in subsection (a)(3) or (a)(4), the child shall be detained under IC 31-37-7-1.

**(c) If a child is detained under subsection (a)(5), the court shall:**

**(1) grant the physician or psychologist conducting the evaluation an additional period of time not to exceed forty-eight (48) hours to complete the evaluation; and**

**(2) hold a hearing within forty-eight (48) hours of receiving the report of the evaluation to determine if the child should be detained under subsection (a)(1) through (a)(4)."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1703 as printed February 16, 1999.)

